

REMARKS

Attorney for Applicant has carefully reviewed the outstanding Office Action on the above-identified application. Applicant has added new claims 9-20, as set forth above, and respectfully submits that the application is now in condition for allowance.

Applicant notes that the Form PTO 1449 that was filed contained a typographical error. Applicant submits herewith a supplemental information disclosure statement that lists U.S. Patent No. DES. 340,551 (which was previously listed as Patent No. 340,552) on the form PTO 1449. Applicant submits that the invention is patentable over this reference, taken either alone or in combination with any of the other references of record.

Applicant's claimed invention is directed to a shelter for a pet, which includes a thermoelectric cooler mounted on a wall of a shelter and first and second grills separating the cooler from the interior space of the shelter and the exterior space of the shelter.

Applicant submits that neither of the references cited against the claims teach or suggest a shelter for a pet including a thermoelectric cooler. U.S. Patent No. 3,962,993 to Dattilo discloses a temperature controlled animal house comprising a heat generator such as a conventional light bulb and a fan for blowing air from a chamber housing the light bulb into a chamber for housing an animal. If the chamber housing the heater should begin to overheat, a second fan can be used to exhaust air from the chamber to prevent such overheating. Accordingly, Dattilo does not teach or suggest a shelter for a pet that includes an thermoelectric cooler.

U.S. Patent No. 3,985,102 to Yonezawa discloses a dryer apparatus for drying the hair of pet dogs. It discloses a transparent box with a dryer provided in the top of the box. The dryer consists of a heater and a fan. Accordingly, Yonezawa does not teach or suggest a shelter for a pet including a thermoelectric cooler.

Indeed, neither Dattilo, nor Yonezawa, teach or suggest, in any manner whatsoever, a pet shelter having a cooler. Each of the references teach away from the provision of the cooler in that each is concerned with providing heat to an enclosure for an animal. As such, applicant respectfully submits that claim 1, which is directed to a shelter for a pet that includes a thermoelectric cooler, is not taught or suggested by the references, and is patentable thereover.

With respect to claim 2, neither of the cited references discloses thermal insulation separating the interior space from the exterior space. The Office Action alleges that it is well known in the art that an enclosure or housing for animals has insulation to maintain the temperature within the enclosure. However, Dattilo does not disclose any such insulation. Dattilo does disclose the use of weathering material such as rubber, secured to adjacent edges of the cover and the end wall to prevent moisture from entering into the housing. Dattilo also discloses that the cover can include along three of its edges, strips of insulating material which in the closed position of the cover, rest upon the respective upper edges of the walls. Dattilo does not, however, disclose thermal insulation separating the interior space from the exterior space.

Yonezawa does not remedy this deficiency of Datillo, and indeed is not interested in maintaining temperature, but rather is interested in the movement of warm air over a pet dog to dry the hair of the animal. As such, neither of these references, taken alone or in combination, teaches or suggests a thermal insulation separating an interior space from the exterior space.

Similarly, neither reference teaches or suggests a cooler having first heat convector fins arranged on side facing said interior space as set forth in claim 7, nor second heat convector fins arranged on a side thereof facing the exterior space, as claimed in claim 8.

Applicant has amended the application to add new claims 9-20 to further define Applicant's claimed invention.

Claims 1-20 are pending in the application. No new matter is believed to have been added. Applicant respectfully submits that pending claims 1-20 are in condition for allowance.

All issues raised in the Office Action are believed to have been addressed. Reexamination is requested and favorable action solicited.

Dated: 5/7/04

Respectfully submitted,
Michael R. Friscia
Reg. No. 33,884
Attorney for Applicant
WOLFF & SAMSON PC
One Boland Drive
West Orange, NJ 07052
Tel.: (973) 530-2024
Fax: (973) 530-2224